

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 14-2919

Caption [use short title]

Motion for: Extension of Time to File Plaintiff-Appellant's Opening Brief

New York State Citizens' Coalition for Children,  
Plaintiff-Appellant,  
v.  
Sheila J. Poole, Commissioner of the New York  
State Office of Children & Family Services, in her  
official capacity,  
Defendant-Appellee.

Set forth below precise, complete statement of relief sought:

Plaintiff-Appellant respectfully requests that the Court  
grant a 21-day extension of time, to and including,  
December 5, 2014, to file the opening brief for  
Plaintiff-Appellant. Counsel for Defendant-Appellee  
does not oppose this request.

MOVING PARTY: New York State Citizens' Coalition for Children☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: NoneMOVING ATTORNEY: Adam J. Hunt

OPPOSING ATTORNEY: \_\_\_\_\_

[name of attorney, with firm, address, phone number and e-mail]

Morrison & Foerster LLP250 West 55th StreetNew York, NY 10019-9601Court-Judge/Agency appealed from: Eastern District of New York, Honorable William F. Kuntz, II

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No

(explain): \_\_\_\_\_

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't KnowFOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes  
☐ No☐ Yes  
☐ No

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency: \_\_\_\_\_

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No

If yes, enter date: \_\_\_\_\_

Signature of Moving Attorney:

/s/ Adam J. HuntDate: October 28, 2014Service by: ☒ CM/ECF☐ Other [Attach proof of service]

# 14-2919

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IN THE  
**United States Court of Appeals**  
FOR THE SECOND CIRCUIT

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NEW YORK STATE CITIZENS' COALITION FOR CHILDREN,  
*Plaintiff-Appellant,*

v.

SHEILA J. POOLE, Commissioner of the New York State Office of Children &  
Family Services, in her official capacity,  
*Defendant-Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
PLAINTIFF-APPELLANT'S OPENING BRIEF**

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*Attorneys for Plaintiff-Appellant New York State Citizens' Coalition For Children*

Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure, plaintiff-appellant New York State Citizens' Coalition for Children respectfully moves for a 21-day extension of time, to and including Friday, December 5, 2014, to file the opening brief for plaintiff-appellant. Plaintiff-appellant's opening brief currently is due on Friday, November 14, 2014.

This is the first request for an extension of time to file the opening brief. Counsel previously moved to remove this case from the Expedited Appeals Calendar and set the due date for the opening brief as November 14, 2014, which this Court granted. Counsel for defendant-appellee has indicated that defendant-appellee does not oppose the requested extension.

Counsel for plaintiff-appellant have a number of ongoing obligations that make the extension necessary. Among other professional obligations, counsel will present oral argument on November 6, 2014 in *InSite Vision Incorporated v. Sandoz, Inc.*, No. 14-1065 (Fed. Cir.). Further, counsel have discovery deadlines on November 10, 2014 in *Utility Audit Group, et al. v. Capital One N.A., et al.*, No. 2:14-cv-00097 (E.D.N.Y.), an opening brief for appellants currently due on November 13, 2014 in *Cognex Corporation v. Microscan Systems Inc.*, Nos. 14-1681, -1707 (Fed. Cir.), a reply brief for appellants currently due on November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.*, Nos. 14-1274, -1277 (Fed. Cir.), and a reply brief for appellants currently due on

November 13, 2014 in *Momenta Pharmaceuticals, Inc. v. Amphastar Pharmaceuticals, Inc.*, Nos. 14-1276, -1278 (Fed. Cir.). In addition, counsel for plaintiff-appellant will be traveling for business out of the country from November 18 through November 21.

For the foregoing reasons, plaintiff-appellant respectfully requests that the Court grant an extension of time, to and including December 5, 2014, in which to file the opening brief.

Respectfully submitted,

Dated: October 28, 2014

/s/ Adam J. Hunt

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*Attorneys for Plaintiff-Appellant New  
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Children*

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system on October 28, 2014.

Counsel for defendant-appellee are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

Dated: October 28, 2014

/s/ Adam J. Hunt  
Adam J. Hunt